

RFP-PCC-0016

PART IV - REPRESENTATIONS AND INSTRUCTIONS

**SECTION K - REPRESENTATIONS, CERTIFICATIONS, AND OTHER
STATEMENTS OF OFFERORS**

K.1 52.204-8 ANNUAL REPRESENTATIONS AND CERTIFICATIONS (JAN 2006)

- (a) (1) The North American Industry classification System (NAICS) code for this acquisition is 561210.
- (2) The small business size standard is \$35.5 Million.
- (3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.
- (b) (1) If the clause at 52.204-7, Central Contractor Registration, is included in this solicitation, paragraph (c) of this provision applies.
- (2) If the clause at 52.204-7 is not included in this solicitation, and the offeror is currently registered in CCR, and has completed the ORCA electronically, the offeror may choose to use paragraph (c) of this provision instead of completing the corresponding individual representations and certification in the solicitation. The offeror shall indicate which option applies by checking one of the following boxes:
 - ☐ (i) Paragraph (c) applies.
 - ☐ (ii) Paragraph (c) does not apply and the offeror has completed the individual representations and certifications in the solicitation.
- (c) The offeror has completed the annual representations and certifications electronically via the Online Representations and Certifications Application (ORCA) website at <http://orca.bpn.gov> . After reviewing the ORCA database information, the offeror verifies by submission of the offer that the representations and certifications currently posted electronically have been entered or updated within the last 12 months, are current, accurate,

complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201); except for the changes identified below *[offeror to insert changes, identifying change by clause number, title, date]*. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

FAR Clause	Title	Date	Change
_____	_____	_____	_____

Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on ORCA.

(End of Provision)

[End of Section]

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SECTION L - INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS

L.1 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<http://www.arnet.gov/far/>

I. FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) PROVISIONS

NUMBER	DATE	TITLE
52.207-1	MAY 2006	NOTICE OF STANDARD COMPETITION
52.215-1	JAN 2004	INSTRUCTIONS TO OFFERORS-- COMPETITIVE ACQUISITION Alternate II (OCT 1997)
52.219-24	OCT 2000	SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM--TARGETS
52.222-24	FEB 1999	PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION

[End of Provision]

L.2 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of an Indefinite-Delivery Indefinite-Quantity type contract with award-fee incentive with a 4-year base period and three 2-year options resulting from this solicitation. The award fee will be awarded by the Government solely at its discretion.

[End of Provision]

L.3 52.233-2 SERVICE OF PROTEST (SEP 2006)

- (a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Procurement Executive
Federal Bureau of Prisons
320 First Street, N.W.
Room 5006
Washington, DC 20534

- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

[End of Provision]

L.4 PROTESTS FILED DIRECTLY WITH THE DEPARTMENT OF JUSTICE - JUSTICE ACQUISITION REGULATION 2852.233-70 (JAN 1998)

- (a) The following definitions apply in this provision:
- (1) "Agency Protest Official" means the official, other than the Contracting Officer, designated to review and decide procurement protests filed with a contracting activity of the Department of Justice.
 - (2) "Deciding Official" means the person chosen by the protestor to decide the agency protest; it may be either the Contracting Officer or the Agency Protest Official.
 - (3) "Interested Party" means an actual or prospective offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.
- (b) A protest filed directly with the Department of Justice must:
- (1) Indicate that it is a protest to the agency.
 - (2) Be filed with the Contracting Officer.

- (3) State whether the protestor chooses to have the Contracting Officer or the Agency Protest Official decide the protest. If the protestor is silent on this matter, the Contracting Officer will decide the protest.
- (4) Indicate whether the protestor prefers to make an oral or written presentation of arguments in support of the protest to the deciding official.
- (5) Include the information required by FAR 33.103(d) (2):
 - (i) Name, address, facsimile number and telephone number of the protestor.
 - (ii) Solicitation or contract number.
 - (iii) Detailed statement of the legal and factual grounds for the protest, to include a description of resulting prejudice to the protestor.
 - (iv) Copies of relevant documents.
 - (v) Request for a ruling by the agency.
 - (vi) Statement as to the form of relief requested.
 - (vii) All information establishing that the protestor is an interested party for the purpose of filing a protest.
 - (viii) All information establishing the timeliness of the protest.
- (c) An interested party filing a protest with the Department of Justice has the choice of requesting either that the Contracting Officer or the Agency Protest Official decide the protest.
- (d) The decision by the Agency Protest Official is an alternative to a decision by the Contracting Officer. The Agency Protest Official will not consider appeals from the Contracting Officer's decision on an agency protest.
- (e) The deciding official must conduct a scheduling conference with the protestor within five (5) days after the protest is filed. The scheduling conference will establish deadlines for oral or written arguments in support of the agency protest and for agency officials to present information in response to the protest issues. The deciding official may hear oral arguments in support of the agency protest at the same time as the scheduling conference, depending on

availability of the necessary parties.

- (f) Oral conferences may take place either by telephone or in person. Other parties may attend at the discretion of the deciding official.
- (g) The protestor has only one opportunity to support or explain the substance of its protest. Department of Justice procedures do not provide for any discovery. The deciding official may request additional information from either the agency or the protestor. The deciding official will resolve the protest through informal presentations or meetings to the maximum extent practicable.
- (h) An interested party may represent itself or be represented by legal counsel. The Department of Justice will not reimburse the protester for any legal fees related to the agency protest.
- (i) The Department of Justice will stay award or suspend contract performance in accordance with FAR 33.103(f). The stay or suspension, unless over-ridden, remains in effect until the protest is decided, dismissed, or withdrawn.
- (j) The deciding official will make a best effort to issue a decision on the protest within twenty (20) days after the filing date. The decision may be oral or written.
- (k) The Department of Justice may dismiss or stay proceeding on an agency protest if a protest on the same or similar basis is filed with a protest forum outside the Department of Justice.

[End of Clause]

L.5 FAITH-BASED AND COMMUNITY-BASED ORGANIZATIONS (AUG 2005)

Faith-based and Community-based organizations can submit offers/bids/quotations equally with other organizations for contracts for which they are eligible.

[End of Provision]

L.6 CONTRACTOR CERTIFICATION OF COMPLIANCE WITH FEDERAL TAX REQUIREMENTS (MAR 2008)

By submitting a response to a solicitation or accepting a contract award or modification, the contractor certifies that, to the best of its knowledge and belief, the contractor has filed all Federal tax returns required during the three years preceding certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

[End of Clause]

L.7 PROPOSAL PREPARATION INSTRUCTIONS - GENERAL

Proposals are expected to conform to and be prepared in accordance with FAR 52.215-1, Instructions to Offerors--Competitive Acquisition (contained in this solicitation). To aid in evaluation, proposals shall be clearly and concisely written, as well as neat, indexed (cross-indexed as appropriate) and logically assembled. Proposals shall be clearly marked with the following statement, "SOURCE SELECTION INFORMATION SEE FAR 3.104." All pages of each part shall be appropriately numbered and identified with the name of the offeror, date and Request for Proposal (RFP) number to the extent practicable. Unless explicitly stated otherwise, **the proposal text shall be typed, using Courier New, Size 12, 1.5 spaced and printed (unreduced in size) on 8 ½ x 11 inch paper.**

The overall arrangement of the proposal shall be as follows:

- The overall proposal shall consist of four physically separate volumes, individually entitled as stated below. The required quantity of each volume is shown in the matrix below. Each copy of each volume shall be numbered sequentially.
- The first copy of each Volume #1 shall contain the signed original of all documents requiring signature by

the offeror.

- Offerors may submit more than one proposal in response to the RFP. Offerors shall submit a separate Volume #1 for each proposal submitted in the number of copies listed below. Offerors may avoid submitting redundant information in Volume #2 by following instructions at L.9 C. Offerors need only make one submission of Volume #3 information, regardless of the number of proposals offered.

Proposal Volume	Total Copies Required
Volume #1	2 Paper Copies(1 paper copy with original signatures) & 1 Electronic copy - (see L.8)
Volume #2	8 Paper Copies & 8 Electronic Copies - (see L.9)
Volume #3	1 Electronic Copy -(see L.10)
Volume #4	3 Paper Copies & 5 Electronic Copies -(see L.11)

L.8 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME #1: OFFER AND OTHER DOCUMENTS

Volume #1 consists of the actual offer to enter into a contract to perform the desired work. It also includes required representations, certifications, other statements of the offeror and any other administrative information.

Volume # 1 shall be submitted in both paper copies and electronic format. One hard copy must contain original signatures. One set of electronic copies must be submitted on compact disk (CD-ROM) in one of the following formats: WordPerfect (read only); Adobe Acrobat (PDF format); Visioneer Paperport (MAX file).

A. Format and Content - The volume shall include the following documents in the order listed:

1. Fully executed Standard Form 33 (SF33), Solicitation, Offer and Award;
2. Pricing schedules (extracted from Section B);
3. Fully executed Offeror Representations,

Certifications and Other Statements (extracted from Sections G, J, K and L as applicable);

4. Decisional rule criterion (in accordance with Section L.8 C);
5. Bureau of Prisons' (BOP) Contract Business Management Questionnaire (from Section J); and
6. Small Business Subcontracting Plan (from Section J).

B. Proposal Form -

1. Use of the Form. SF 33, Solicitation, Offer and Award, which is Section A of the RFP, shall be fully executed by the offeror and shall be the first page of each copy of Volume #1.
2. Acceptance Period. The acceptance period shall be no less than the period of time entered by the Government on the SF 33 in Block 12.
3. Signature Authority. The individual signing the SF 33 shall provide proof they have the authority to commit the offeror to all requirements of the proposal, fully recognizing the Government has the right, by terms of the RFP, to make award without further discussions if it so elects. This individual shall also be required to attend any and all negotiations and pre-performance conferences, etc.

- C. Decisional Rule Criterion - The preparation of this information is critical. If the proposal does not meet the requirements of the decisional rule criterion as defined in Section M, it shall not be evaluated. The decisional rule criterion must be sufficient unto itself for a determination of whether or not the proposal meets the relevant criteria. The BOP does not intend and has no obligation to refer to other volumes if the decisional rule criterion is not met.

To be considered, the offeror submitting the proposal must clearly demonstrate the following at the time of proposal submission:

1. The proposed facility is located within a 500 mile

radius of the United States Capitol, Washington, DC. **(Page Limitation - 3 pages)**

2. The offeror has corporate experience operating secure corrections/detention facilities for a continuous three-year period as of the date the RFP was issued. **(Page Limitation - 5 pages)**

- D. Notification of State Authorities - The offeror shall submit proof the chief law enforcement officer (state Attorney General, State's Attorney, etc.) of the state in which the proposed facility is located has been notified of the contractor's intent to manage and operate a correctional institution as identified in the solicitation.

The proof shall be a signed copy of the notification sent via registered or certified mail to the applicable state's chief law enforcement officer. The notification shall provide an accurate description of the program services the contractor will provide under any prospective contract to include, but not be limited to: size of the proposed facility/population, specific address of the proposed facility and type of offender the solicitation indicates could be placed at the proposed facility.

The proof of notification and a copy of the contents of the notification material submitted to state officials shall be part of the offeror's response to this solicitation.

The offeror shall submit a copy of any document it receives in response to the notification. The offeror's duty to submit such documentation shall continue until award.

L.9 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME #2: TECHNICAL PROPOSAL

Volume #2 consists of the offeror's technical approach to performing the requirement, offeror's technical capabilities and technical effort the offeror would apply to satisfy the requirements of the Performance Work Statement (PWS) (Section C). Since each offeror's technical proposal will be evaluated in accordance with Section M, it should be practical and prepared simply and economically, providing a straightforward, concise delineation of what it is the

offeror will do to satisfy the requirements of the RFP.

Proposal page limitations will be strictly enforced.
Proposal content exceeding the specified page limitation will not be evaluated.

The proposal should not merely offer to perform work in accordance with the PWS but shall describe the actual work proposed as specifically as practical. The PWS reflects the requirements and objectives of the program under consideration; therefore, repeating or paraphrasing the PWS without sufficient elaboration is not acceptable.

Technical proposals shall be submitted in both paper copies and electronic format. Electronic copies must be submitted on compact disk (CD-ROM) in one of the following formats: WordPerfect (read only); Adobe Acrobat (PDF format); Visioneer Paperport (MAX file).

- A. Format and Content - Volume #2 shall include the following components:
 - 1. Table of contents;
 - 2. List of attachments, tables and figures; and
 - 3. Technical discussion.
- B. Technical Discussion - This section shall describe the offeror's approach to performing the requirement. It must clearly address each issue identified below in as much detail as practical.
- C. Multiple Locations - Offerors may identify multiple locations in a single proposal. To avoid submitting redundant information, the proposal shall include a single Volume #2-A. Offerors shall submit a Volume #2-B for each performance location identified in the proposal. Any contract award will be for work performed at a single site - population cannot be split among locations.

VOLUME #2-A: TECHNICAL PROPOSAL

- A. Administration and Management -
 - 1. Quality Control Program. The offeror shall describe its approach to evaluating and monitoring

the operation of the facility during contract performance and how the offeror's Quality Control Program will be coordinated with the Quality Assurance Plan administered by the BOP. **(Page Limitation - 5 pages)**

2. Organizational Structure. Each offeror shall provide a diagram of the proposed organizational structure. The diagram shall detail the corporate and facility lines of authority for this effort (including all proposed subcontracting and leasehold relationships) and the relationship of the organizational structure to both the BOP and the offeror's corporate office. **(Page Limitation - 3 pages)**
3. Personnel and Staff Development. The offeror shall submit a plan for the employment and retention of qualified staff and identify the offeror's goals for equal employment opportunity. The offeror shall discuss the approach to staff development and its ability to manage inmates of various cultures found in a criminal alien population. **(Page Limitation - 5 pages)**

B. Institution Operations -

1. The offeror shall describe its approach for maintaining accountability of all offenders assigned to the institution. **(Page Limitation - 3 pages)**
2. The offeror shall describe its approach to responding to institution emergencies, including assistance from local and/or state authorities. **(Page Limitation - 10 pages)**

C. Institution Services -

1. The offeror shall discuss its approach to providing food services to the inmate population. **(Page Limitation - 3 pages)**
2. The offeror shall discuss its approach to the institution medical program. **(Page Limitation - 6 pages)**

D. Inmate Programs -

1. The offeror shall submit a detailed plan of all work, education and recreation programs. Each identified program shall include a brief description of the characteristics. **(Page Limitation - 5 pages)**
2. The offeror shall discuss its approach to maintaining inmate family ties (i.e., visiting, mail and telephone procedures). **(Page Limitation - 3 pages)**

VOLUME #2-B: TECHNICAL PROPOSAL

A. Contract Activation - The offeror shall submit:

1. A detailed schedule of the activation process identifying anticipated dates from contract award to issuance of the Notice to Proceed (NTP);
2. A staff activation schedule to include hiring, clearances and training; and
3. A complete list of all contractor policies to be developed and implemented. The list shall include the date each policy will be submitted for BOP review.

(Schedules shall reflect project calendar days, track task start/finish/duration, identify individual tasks and their relationship to other tasks.) **(Page Limitation - 15 pages)**

B. Staffing -

1. Human Resources. The offeror shall submit a staffing plan of all personnel necessary for the performance of the contract. The plan shall be organized by department and clearly and concisely illustrate: each position title; number of working days per week; number of staff per shift; relief factor; total number of full time equivalents for each position title, department and total complement; applicable hourly rate; and annual pay schedule. **(Page Limitation - 6 pages)**

C. Physical Plant -

All offerors shall:

1. Specify the location of the proposed facility by providing the address and identifying the site on a general location map and a local area map.
2. Identify the rated and total capacity of the proposed facility.

Offerors proposing existing facilities or existing facilities with expansion shall submit the following additional items:

1. A brief DVD/video tour (15-30 minutes) of the proposed site and existing buildings. (DVD must be in (.wmv) format, functional with Windows Media Player)
2. Half-size "as-built" prints of the existing facility site plan (scale of original document: minimum 1" = 100 feet) showing the location of buildings, roads, fences, parking lots and walkways.
3. Half-size "as-built" prints (scale of original document: 1/8" = 1 foot) of architectural floor plans for each existing building showing:
 - a) Name/function of all rooms;
 - b) Number of beds and type (cell, dorm, segregation) for each housing unit to be located in the note section of the drawing;
 - c) Elevation of the housing units;
 - d) Total gross square footage of each program area and entire facility;
 - e) Entry into the secure perimeter by means of a secure entry point;
 - f) Physical plant security details, including, but not limited to: secure walls, security doors, secure ceilings, control center, sally ports and the secure perimeter; and
 - g) Location of required Government-occupied space as detailed in Section J.
4. Half-size "Conceptual design" prints of expansion site plans (scale of original document: minimum

1" = 100 feet) showing the location of buildings, roads, fences, parking lots, walkways and other major site improvements to be provided.

5. Half-size "Conceptual design" prints (scale of original document: 1/8" = 1 foot) of architectural floor plans for each expanded building showing:
 - a) Name/function of all rooms;
 - b) Number of beds and type (cell, dorm, segregation) for each housing unit to be located in the note section of the drawing;
 - c) Elevation of the housing units;
 - d) Total gross square footage of each program area and entire facility;
 - e) Entry into the secure perimeter by means of a secure entry point;
 - f) Physical plant security details, including, but not limited to: secure walls, security doors, secure ceilings, control center, sally ports and the secure perimeter; and
 - g) Location of required Government-occupied space as detailed in Section J if applicable.

Offerors proposing newly constructed facilities shall submit the following additional items:

1. Half-size "Conceptual design" prints of site plans (scale of original document: minimum 1" = 100 feet) showing the location of buildings, roads, fences, parking lots, walkways and other major site improvements to be provided.
2. Half-size "Conceptual design" prints (scale of original document: 1/8" = 1 foot) of architectural floor plans for each building showing:
 - a) Name/function of all rooms;
 - b) Number of beds and type (cell, dorm, segregation) for each housing unit to be located in the note section of the drawing;
 - c) Elevation of the housing units;
 - d) Total gross square footage of each program area and entire facility;
 - e) Entry into the secure perimeter by means of a secure entry point;

- f) Physical plant security details, including, but not limited to: secure walls, security doors, secure ceilings, control center, sally ports and the secure perimeter; and
- g) Location of required Government-occupied space as detailed in Section J if applicable.

L.10 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME #3: PAST PERFORMANCE AND EXPERIENCE INFORMATION

The past performance and experience proposal shall serve to gather information regarding the quality of an offeror's past performance and the extent of an offeror's experience performing secure corrections/detention type services.

Offerors shall submit past performance and experience information in electronic format. The information may be submitted on compact disk (CDROM) in one of following formats: WordPerfect (read only); Adobe Acrobat (PDF format); Visioneer Paperport (MAX file).

Offerors are encouraged to submit past performance and experience information prior to the due date for proposals to assist the Government in reducing the evaluation period.

- A. Format and Content - At a minimum, the submission shall contain the information specified below in accordance with the following general format:
 - 1. Table of contents;
 - 2. List of tables and exhibits;
 - 3. Past performance information; and
 - 4. Corporate experience.
- B. Past Performance - Offerors shall submit a list of all contracts and subcontracts related to secure corrections/detention services completed during the past three years and all contracts currently in progress. Contracts listed shall include those entered into with the federal government, agencies of state and local governments' customers.

Include the following information for each contract and subcontract:

1. Name of contracting activity;
2. Contract number;
3. Contract type (i.e., cost reimbursement, fixed-price);
4. Date of contract award and expiration;
5. Total contract value and per diem rate(s);
6. Definition of contract work;
7. Contracting officer and telephone number;
8. Program manager and telephone number;
9. Administrative contracting officer (if different from #7 above) and telephone number; and
10. List of prime contractor or major subcontractors with contact names, addresses and telephone numbers.

C. Corporate Experience - The offeror shall provide the following information for each contract listed above:

1. If the contract was competitive or sole source and if the present contract was awarded as a follow-on contract;
2. Identify any change orders/modifications to the contract subsequent to award, basis of the change(s) and dollar value;
3. Identify if the operation has been accredited by the American Correctional Association, The Joint Commission and/or other professional organizations and the date of each accreditation;
4. In a brief narrative describe the extent to which the contract was/is similar to the requirements identified by this RFP (i.e., population quantity, population security level, size and complexity of staff complement, quality control approach) (a technical description sufficient to permit assessment must be provided to support the

similarity);

5. Provide data representing the number of occurrences for the following listed incidents (include negative responses):
 - a) Escape;
 - b) Food/Work strike; and
 - c) Disturbances involving ten offenders or more; and
6. Provide information on problems encountered on the identified contracts and the corrective actions taken.

D. Past Performance Questionnaires - The offeror shall provide at least three completed questionnaires (extracted from section J) filled out by references from the above contracts. The contracts referred to in the questionnaire shall be similar both in size and scope to the requirements of this RFP.

L.11 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME #4: ENVIRONMENTAL DOCUMENTATION

Volume #4 consists of the offeror's environmental documentation which identifies the potential environmental impacts, proposed mitigation and any other relevant information pertaining to the impacts of the offeror's proposal. The documentation shall be completed in accordance with Section J. Each offeror's environmental documentation will be evaluated in accordance with Section M.

Documentation shall be submitted in both paper copies and electronic format. Electronic copies must be submitted on compact disk (CD-ROM) in one of the following formats: WordPerfect (read only); Adobe Acrobat (PDF format); Visioneer Paperport (MAX file).

Disclosure of information: Information submitted by any potential offeror in Volume #4 shall not be considered "Proprietary Information." The Government reserves the right to publicly disclose any information submitted.

L.12 FREEDOM OF INFORMATION ACT

The Freedom of Information Act (FOIA) and its amendments have resulted in an increasing number of requests to federal

agencies for copies of technical and business proposals from other than Government sources.

The offeror should identify information in its proposals the offeror believes should be withheld from these sources on the basis the proposals consist of "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (exemption (b)(4) of the FOIA). This identification will assist in the decision by a responsible federal official to disclose or withhold the requested information.

If an offeror considers elements of its proposal to be exempt under FOIA, ensure the following notice is annotated on the title page of the proposal: "Elements of this document, as identified on individual pages, are considered by the submitter to be privileged or confidential trade secrets or commercial or financial information not subject to mandatory disclosure under the Freedom of Information Act. Material considered privileged or confidential on this basis is contained on pages ____."

The offeror must annotate each individual item it considers privileged or confidential under the FOIA exemption with the following notice: "The data or information is considered confidential or privileged and not subject to mandatory disclosure under the FOIA."

All information in an offeror's proposal not designated exempt may be subject to automatic public disclosure if it is requested under the FOIA. It must be emphasized that under the FOIA no information is automatically exempt from public disclosure. However, no disclosures will be made without careful evaluation, giving due regard to the need for safeguarding material considered privileged or confidential by the offeror. It is the policy of the Department of Justice to withhold, whenever possible, material that is genuinely privileged or confidential.

L.13 DISPOSITION OF PROPOSALS

Following selection of the successful contractor and contract award, unsuccessful proposals will be disposed of by retaining one copy at the contracting office having issued the solicitation and destroying the remaining copies by shredding.

[End of Section]

RFP-PCC-0016

SECTION M - EVALUATION FACTORS FOR AWARD

M.1 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<http://www.arnet.gov/far/>

I. FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) PROVISIONS

NUMBER	DATE	TITLE
52.217-5	JUL 1990	EVALUATION OF OPTIONS

[End of Provision]

M.2 DECISIONAL RULE CRITERION

Unless otherwise stated, proposals must clearly demonstrate at the time of submission that offerors meet the following decisional rule criterion. Proposals will be reviewed on a go/no-go basis for the decisional rule criterion. Offerors whose proposals do not meet the decisional rule criterion shall be advised of their elimination from the procurement. Only those proposals which meet the decisional rule criterion shall be evaluated for award.

1. Geographic Location

Offerors must clearly demonstrate at the time of proposal submission that the proposed facility is located within a 500 mile radius of the United States Capitol, Washington DC.

2. **Corporate Experience**

Offerors must clearly demonstrate at the time of proposal submission they have corporate experience operating secure corrections/detention facilities for a continuous three-year period as of the date the solicitation was issued.

M.3 EVALUATION OF PROPOSALS

Award will be made to the responsible offeror whose proposal, conforming to this solicitation, is the most advantageous to the Government.

M.4 OVERALL RELATIVE IMPORTANCE OF OTHER (NON-PRICE) EVALUATION CRITERIA AND PRICE

NON-PRICE EVALUATION CRITERIA

The non-price evaluation criteria are listed below in descending order of importance:

1. Technical Proposal
2. Past Performance
3. Small Disadvantaged Business Utilization
4. Environmental

The combined non-price evaluation criteria are significantly more important than price. Price becomes a major factor in award selection when other criteria are substantially equal.

The Government reserves the right to award a contract to an offeror other than the offeror proposing the lowest price when the Government's evaluation determines a proposal is significantly superior from a non-price standpoint and warrants payment by the Government of a premium.

1. TECHNICAL PROPOSAL

Technical proposals will be evaluated to determine the soundness and anticipated effectiveness of the offeror's approach to perform the requirements identified in the Performance Work Statement and in Section L. Available points will be distributed equally among the following technical elements identified within the proposal instructions:

- Administration and Management
- Institution Operations
- Institution Services

- Inmate Programs
- Activation and Staffing
- Physical Plant

2. PAST PERFORMANCE

Each offeror will be evaluated on its performance under existing and prior contracts for similar services. Performance information will be used for evaluating proposals and responsibility determinations. The evaluation will focus on information which demonstrates quality of performance relative to the size and complexity of the procurement under consideration. References other than those identified by the offeror may be contacted.

Information utilized may be obtained from the references listed in the proposal, other customers known to the Government or of whom it becomes aware, consumer protection organizations and any others who may have useful and relevant information. Information may also be considered regarding significant subcontractors, corporate personnel and essential personnel.

Past performance will be examined to ensure corrective measures have been implemented where problems in performance have occurred. Prompt corrective action in isolated instances may not outweigh overall negative trends.

Past performance will be evaluated to determine the quality control, business relations and customer satisfaction in the areas of security, personnel, health services, facility maintenance, inmate programs and institution services the offeror has delivered during its performance of prior and existing contracts for similar services. All factors are of equal importance.

Assessment of the offeror's experience will be one means of evaluating the viability of the offeror's proposal and its relative capability to meet the solicitation's performance requirements.

3. SMALL DISADVANTAGED BUSINESS (SDB) UTILIZATION

The offeror proposing the highest SDB participation, expressed as dollars and percentages of total contract value, shall receive the most points for this category.

A proportionate amount of points will be awarded to each offeror below the highest ranked offeror in this category.

4. ENVIRONMENT

Information will be requested of offerors regarding past environmental activities and the environmental condition of proposed sites and institutions. Environmental documentation and other information will be required in order to comply with the National Environmental Policy Act of 1969 prior to contract award.

The Government will independently evaluate and verify the accuracy of the environmental documentation submitted in accordance with Sections J and L. Greater consideration will be given to the proposal which represents the "environmentally preferable" alternative. Environmentally preferable alternative means the proposal that has lesser or reduced environmental impacts or adverse environmental effects when compared with competing proposals.

The Government reserves the right to eliminate proposals based on the adequacy of the documentation provided by the offeror or the potential impact to the quality of the human environment.

The Government reserves the right to disclose or make public any environmental documentation or other information provided under this section. Such disclosures would typically occur in Environmental Impact Statements, Environmental Assessments, public hearings, comment periods and other public forums.

PRICE

Prices proposed for each year of the base period and option periods will be evaluated in total. Award is based on best value. Although non-price factors are more important than price, as non-price factors become more equal, price becomes more important and may be the deciding factor for award.

[End of Section]